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Attorneys for Defendants
Federated Department Stores, Inc. and
Macy's East, Inc.
WR-8387

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARIE HUDAK,	:	
	:	Civil Action No. 05-4224 (JAG)
Plaintiff,	:	Hon. Joseph A. Greenaway, Jr.
	:	
-vs.-	:	
	:	
FEDERATED DEPARTMENT STORES, INC.,	:	NOTICE OF MOTION TO DISMISS
MACY'S INC. , and JOHN DOES 1-10,	:	COUNTS III and VI OF PLAINTIFF'S
(fictitious names representing unknown	:	COMPLAINT
Defendants),	:	
	:	
	:	Return Date: October 24, 2005
Defendants.	:	

TO: Alan Genitempo, Esq.
Piro, Zinna, Cifelli, Paris & Genitempo, P.C.
360 Passaic Avenue
Nutley, New Jersey 07110
Attorneys for Plaintiff

PLEASE TAKE NOTICE that on October 24, 2005 at 10:00 A.M., or as soon thereafter as counsel may be heard, Defendants Federated Department Stores, Inc. and Macy's East, Inc. (incorrectly identified in the Complaint as "Macy's, Inc.") shall apply to the Honorable Joseph A. Greenaway Jr., United States District Court for the District of New Jersey, at the M. L. King

Jr. Federal Building & Courthouse, Room 4040, 50 Walnut Street, Newark, New Jersey, 07102,
for an order dismissing Counts III and VI of Plaintiff's Complaint for failure to state a claim
against Federated Department Stores, Inc. and Macy's East, Inc., or, in the alternative,
compelling a more definite statement for Count VI.

PLEASE TAKE FURTHER NOTICE that, in support of the application, we shall rely upon the supporting Memorandum of Law which accompany this notice of motion.

PLEASE TAKE FURTHER NOTICE that a form of order on this application is submitted with this notice of motion.

McCarter & English, LLP
Federated Department Stores, Inc. and
Macy's East, Inc.

By: /s/
William T. Reilly
A Member of the Firm
Alison G. Greenberg

DATED: September 16, 2005

Of Counsel:

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